

FILED

Jul 12 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIE HAMILTON,
Plaintiff(s),

v.

JUUL LABS, INC.,
Defendant(s).

Case No. 3:20-cv-3710 EMC (TSH)

**ORDER SCHEDULING SETTLEMENT
CONFERENCE BY ZOOM VIDEO
CONFERENCE**

TO ALL PARTIES AND COUNSEL OF RECORD:

This case was referred to Magistrate Judge Thomas S. Hixson for a settlement conference.

A. Time and Location of the Settlement Conference

The settlement conference is scheduled for **December 6, 2021 at 10:00 a.m.** by Zoom Video Conference.

ZOOM INSTRUCTIONS: The Court will send out a Zoom Invitation to all to join the call the day before the hearing. Counsel shall include all emails in the Settlement Conference Statement (see below). The Court cannot send the Zoom invitation to join the conference without emails. Any questions or problems shall be directed to the Courtroom Deputy by email:

Rose_Maher@cand.uscourts.gov

B. Settlement Conference Statements

No later than **November 29, 2021**, each counsel shall email pdf versions of their settlement conference statements to: **TSHSettlement@cand.uscourts.gov** The settlement conference statement shall include the following:

1. A list of **emails of counsel, clients or representatives** who will attend the conference so they may receive a Zoom Videoconferencing invitation from the Court.

2. A brief statement of the facts of the case.

3. A brief statement of the claims and defenses including, but not limited to, statutory or other grounds upon which the claims are founded, a candid evaluation of the parties' likelihood of prevailing on the claims and defenses, and a description of the major issues in dispute.

4. A summary of the proceedings to date and any pending motions.

5. The relief sought.

6. Any discrete issue that, if resolved, would facilitate the resolution of the case.

7. The party's position on settlement, including present demands and offers and a history of past settlement discussions.

Any party may submit an additional **confidential letter** to the Court at the TSHSettlement@cand.uscourts.gov

The contents of this letter will not be disclosed to the other parties. However, parties may not refuse to share information in the items 1 through 7 above.

C. Participants

Lead trial counsel must attend the settlement conference with the parties and with the persons having full authority to negotiate and settle the case by Zoom Video Conference.

1. Corporation or Other Non-Government Entity

A party other than a natural person (such as a corporation or association) satisfies the attendance requirement if represented by a person (other than outside counsel) who has final authority to settle up to the full amount of the opposing party's existing settlement demand or offer and who is knowledgeable about the case. If the authority to settle is vested in a governing board, claims committee, or equivalent body and cannot be delegated, a party must comply with the requirements of Northern District of California ADR Local Rule 7-4(a) and must designate a person with authority to participate in the settlement conference and, if a tentative settlement agreement is reached, to recommend the agreement to the approving body for its approval.

2. Government Entity

A party that is a government entity satisfies the attendance requirement if represented by a person (in addition to counsel of record) who (a) has, to the greatest extent feasible, authority to

settle, (b) is knowledgeable about the facts of the case, the government entity's position, and the positions and policies under which the government entity decides whether to accept proposed settlements, and (c) has the authority, if a tentative settlement agreement is reached, to recommend the agreement to the government entity for its approval. *See* N.D. Cal. ADR Local R. 7-4(b). If the action is brought by the government on behalf of one or more individuals, at least one such individual also must attend. *See id.*

3. Insured Party

An insured party must appear by Zoom Video Conference, with a representative of the carrier with full authority to negotiate up to the limits of coverage. A person who needs to call another person not present before agreeing to any settlement does not have full authority.

4. Attendance by Counsel and Parties

Counsel and Parties must attend the settlement conference by Zoom Video

Conference. There will be no in-person attendance. Any request to excuse the attendance of a party or party representative must be made on the scheduling call with Magistrate Judge Hixson, and if it was not granted on that call, is denied.

5. Minors

No child under the age of 18 may attend the settlement conference by Zoom, without obtaining an order from this Court allowing their attendance. Any request must be made at least 14 days before the conference and provide good cause for the exception.

D. Settlement Conference

Settlement conferences regularly last three or more hours. The parties should be prepared to discuss such issues as: (1) their settlement objectives; (2) any impediments to settlement they perceive; (3) whether they have enough information to discuss settlement and, if not, what additional information is needed; and (4) the possibility of a creative resolution of the dispute. Statements made during the conference are confidential and will not be admissible at trial if the case does not settle.

E. Rescheduling

To reschedule a settlement conference, counsel shall contact the Courtroom Deputy, Rose

1 Maher, at (415) 522-4708, preferably at least seven days before the conference but as far in
2 advance as possible to obtain a new date. Counsel shall confirm the new date and time with
3 opposing counsel and thereafter **file** a stipulation and proposed order that sets forth the new date
4 and time of the settlement conference. The parties are advised that the original settlement
5 conference date will remain on calendar unless they receive an order from the Court.

6 **F. Additional Requirements**

7 The parties shall notify chambers immediately at (415) 522-4698 if the case settles prior to
8 the date of the settlement conference. Counsel must provide a copy of this order to all
9 participating parties. Counsel must review Northern District of California ADR Local Rule 7,
10 available at <http://www.adr.cand.uscourts.gov>.

11 **IT IS SO ORDERED.**

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13 Dated: 7/12/2021

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15 THOMAS S. HIXSON
16 United States Magistrate Judge
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